

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
RICHARD W. DUGGAN,)	
Plaintiff,)	
)	
v.)	Civil Action No. 04-11116-DPW
)	
JOHN POTTER, POSTMASTER)	
GENERAL, ET AL,)	
Defendants.)	
_____)	

MOTION TO DISMISS

As more fully demonstrated in the accompanying Memorandum in Support, the defendants, John E. Potter, Postmaster General, and the United States Postal Service, respectfully request that this Court dismiss the above-captioned matter pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure as the plaintiff has failed to state a claim upon which relief can be granted.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

Dated: October 21, 2004 By: /s/ Christopher R. Donato
CHRISTOPHER R. DONATO
Assistant U.S. Attorney
John Joseph Moakley Courthouse
One Courthouse Way, Suite 9200
Boston, Massachusetts 02210
(617) 748-3100

CERTIFICATE OF SERVICE

I certify that on this day a true copy of the defendants' Motion to Dismiss was served by first class mail, postage prepaid, upon the *pro se* plaintiff at the following address:

Richard W. Duggan
103 Oak Lane #6
Brockton, MA 02301

Dated: October 21, 2004 /S/ Christopher R. Donato
Christopher R. Donato
Assistant U.S. Attorney

CERTIFICATE PURSUANT TO LR. 7.1(A)(2)

I certify that I conferred with the *pro se* plaintiff and have attempted in good faith to resolve or narrow the issues in the attached motion.

Dated: October 21, 2004 /S/ Christopher R. Donato
Christopher R. Donato
Assistant U.S. Attorney